

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ELIO SALINAS,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION;  
EQUIFAX INFORMATION SERVICES  
LLC; and TRANSUNION, LLC,

Defendants.

Case No. 1:24-cv-01004-KES-CDB

ORDER ON JOINT MOTION CONTINUING  
SCHEDULING CONFERENCE AND  
DEADLINE TO FILE JOINT SCHEDULING  
REPORT

ORDER DIRECTING PARTIES TO SEEK  
COURT ORDER TO APPROVE *NUNC PRO  
TUNC* STIPULATED EXTENSION OF TIME

(Doc. 19)

**5-day Deadline**

**Background**

Pending before the Court is the parties' joint motion to extend by 90 days the current date set for the scheduling conference and the deadline to file a joint scheduling report on the grounds that Defendants U.S. Department of Education ("DoE") and Equifax Information Services, LLC ("Equifax") have yet to file a responsive pleading and have requested extensions to their responsive deadlines in order to complete their investigations and attempt resolution of the claims against each Defendant. (Doc. 19). The parties provide the instant request is made in good faith and will not prejudice the parties to this case. *Id.*

Previously, the parties purported to enter into stipulated agreements to extend

1 Defendants' time to file a responsive pleading, culminating in the parties' earlier joint motion to  
2 continue the scheduling conference. *See* (Doc. 16). The Court denied that motion without  
3 prejudice in an order noting that the motion did not comply with Local Rules requiring (1) Court  
4 approval of any extension of time in excess of 28 days, and (2) transmission of a proposed order  
5 in Word format to the assigned magistrate judge's chambers. (Doc. 20). Among other things,  
6 Plaintiff and DoE purported to have agreed to extend DoE's deadline to file a responsive pleading  
7 from November 8, 2024, to January 3, 2024, pursuant to Local Rule 144. *Cf.* (Doc. 8 [setting  
8 deadline for responsive pleading as 11/8/2024]) *with* (Doc. 12). However, such an extension  
9 requires Court approval. *See* Local Rule 144(a) ("All other extensions of time [in excess of an  
10 initial 28-day extension] must be approved by the Court.").

11 For good cause shown, the Court will grant the parties' motion to continue the scheduling  
12 conference and the time to file a joint scheduling report. However, because the parties appear to  
13 have agreed improperly to extend Defendants' time to file a responsive pleading without the  
14 necessary court order, the parties will be directed to seek a court order to approve *nunc pro tunc*  
15 any stipulated request for an extension of time that complies with the applicable Local Rules.

16 **Conclusion and Order**

17 Accordingly, it is HEREBY ORDERED that the scheduling conference set for November  
18 19, 2024, be continued to February 18, 2025, at 10:00 a.m. The parties are directed to file a joint  
19 scheduling report in advance of the reset scheduling conference by February 11, 2025.

20 It is FURTHER ORDERED that the parties SHALL FILE within five (5) days of entry  
21 of this order a stipulated request for order approving *nunc pro tunc* any extension of any  
22 defendant's time to file a responsive pleading beyond an initial extension of no more than 28  
23 days.

24 IT IS SO ORDERED.

25 Dated: November 7, 2024

  
26 UNITED STATES MAGISTRATE JUDGE  
27  
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